




November 17, 2014

MEMORANDUM

TO: District Board of Trustees

FROM: Jim Murdaugh, President 

SUBJECT: Level 2 Employee Background Checks (Fingerprinting)

Item Description

This item is to provide the Board notification of the implementation of Level 2 employee background checks (fingerprinting) for new and current TCC employees, vendors, interns and volunteers.

Overview and Background

Due to the College's numerous programs and services that have direct contact with minor children, the College is subject to the regulations outlined in Florida Statute 1012.32, (2),(a) which require all employees who have direct contact with minor children undergo a Level 2 background check. College personnel have participated in Level 2 workshop training through the Florida State College Council of Business Affairs. As a result of this training, the College has reexamined the numerous outreach and support efforts that are in place in which minor children are involved. Through extensive review and dialogue with other Florida State Colleges, it was determined that the College needed to implement more extensive Level 2 background checks to ascertain the protection of minor children. To comply with this statute the College has developed procedures to mandate adherence. Implementation of the Level 2 background checks will be January 1, 2015.

The College has reviewed all hiring and disciplinary policies and has determined that no policy changes are necessary.

Past Actions by the Board

The Board has not addressed this item previously.

Funding/Financial Implications

The initial financial cost will be ninety-four to one hundred twelve thousand dollars (\$94,000 - \$112,000). In 2020, the average resubmission of Level 2 background checks will be approximately eighty one thousand dollars (\$81,000). Annually, through turnover and new hires, the financial cost is estimated at twelve thousand one hundred fifty dollars (\$12,150.00).

Staff Resource

Teresa Smith

Recommended Action

For information only, no Board action required.

1012.315 Disqualification from employment.—A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. [1012.01](#), are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. [1002.39](#) or s. [1002.395](#), if the person, instructional personnel, or school administrator has been convicted of:

- (1) Any felony offense prohibited under any of the following statutes:
 - (a) Section [393.135](#), relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
 - (b) Section [394.4593](#), relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
 - (c) Section [415.111](#), relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
 - (d) Section [782.04](#), relating to murder.
 - (e) Section [782.07](#), relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
 - (f) Section [784.021](#), relating to aggravated assault.
 - (g) Section [784.045](#), relating to aggravated battery.
 - (h) Section [784.075](#), relating to battery on a detention or commitment facility staff member or a juvenile probation officer.
 - (i) Section [787.01](#), relating to kidnapping.
 - (j) Section [787.02](#), relating to false imprisonment.
 - (k) Section [787.025](#), relating to luring or enticing a child.
 - (l) Section [787.04\(2\)](#), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
 - (m) Section [787.04\(3\)](#), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
 - (n) Section [790.115\(1\)](#), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

- (o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.
- (p) Section 794.011, relating to sexual battery.
- (q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
- (r) Section 794.05, relating to unlawful sexual activity with certain minors.
- (s) Section 794.08, relating to female genital mutilation.
- (t) Chapter 796, relating to prostitution.
- (u) Chapter 800, relating to lewdness and indecent exposure.
- (v) Section 806.01, relating to arson.
- (w) Section 810.14, relating to voyeurism.
- (x) Section 810.145, relating to video voyeurism.
- (y) Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.
- (z) Section 812.0145, relating to theft from persons 65 years of age or older.
- (aa) Section 812.019, relating to dealing in stolen property.
- (bb) Section 812.13, relating to robbery.
- (cc) Section 812.131, relating to robbery by sudden snatching.
- (dd) Section 812.133, relating to carjacking.
- (ee) Section 812.135, relating to home-invasion robbery.
- (ff) Section 817.563, relating to fraudulent sale of controlled substances.
- (gg) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (hh) Section 825.103, relating to exploitation of an elderly person or disabled adult.
- (ii) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- (jj) Section 826.04, relating to incest.
- (kk) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- (ll) Section 827.04, relating to contributing to the delinquency or dependency of a child.
- (mm) Section 827.071, relating to sexual performance by a child.
- (nn) Section 843.01, relating to resisting arrest with violence.

- (oo) Chapter 847, relating to obscenity.
- (pp) Section [874.05](#), relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.
- (qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
- (rr) Section [916.1075](#), relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- (ss) Section [944.47](#), relating to introduction, removal, or possession of contraband at a correctional facility.
- (tt) Section [985.701](#), relating to sexual misconduct in juvenile justice programs.
- (uu) Section [985.711](#), relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.
- (2) Any misdemeanor offense prohibited under any of the following statutes:
 - (a) Section [784.03](#), relating to battery, if the victim of the offense was a minor.
 - (b) Section [787.025](#), relating to luring or enticing a child.
- (3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).
- (4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. [943.0435\(1\)\(a\)1.d](#).

History.—s. 26, ch. 2008-108; s. 18, ch. 2010-24.